

# WARWICK DISTRICT COUNCIL

Minutes of the meeting of the Council held on Wednesday 3 September 2003 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Doody (Chairman); Councillors Ashford, Mrs Begg, Mrs Blacklock, Boad, Mrs Bunker, Butler, Caborn, Chander, Cockburn, Coker, Mrs Compton, Copping, Crowther, Davies, Davis, Ms De-Lara-Bond, Mrs Edwards, Evans, Mrs Falp, Ms Flanagan, Gifford, Gill, Hammon, Harris, Hatfield, Ms Hirsch, Mrs Hodgetts, Holland, Kinson, Kirton, Mrs Knight, Kundi, MacKay, Mrs McFarland, Offer, Pratt, Sandhar, Mrs Sawdon, Shilton, Short, Smith, Tamlin and Windybank.

## 371. PRAYER

A prayer was offered by the Chairman's Chaplain.

## 372. APOLOGIES

Apologies for absence were received from Councillors Mrs Goode and Guest.

## 373. MINUTES

The minutes of the meeting of the Council held on 9 July 2003, were taken as read, approved and signed by the Chairman.

## 374. COMMUNICATIONS AND ANNOUNCEMENTS

(A) The Chairman reported that unfortunately the boat trip being organised by Leisure & Amenities would have to be moved to Wednesday 24 September 2003 at 6.00 pm.

(B) The Chairman presented certificates which had been awarded in respect of the "Britain in Bloom" competition, as follows:-

Councillor J R Holland, Mayor of Warwick Town Council: a certificate awarded to Warwick as winners of the Silver Award.

Councillor D Golby, Mayor of Kenilworth Town Council: a certificate awarded to Kenilworth as winners of the Silver Gilt Award.

The Chairman of the Britain in Bloom Competition Committee, Royal Leamington Spa: a certificate awarded to Royal Leamington Spa as winners of the Gold award.

The Chairman also congratulated Royal Leamington Spa as being selected as the representative of the Heart of England in the national competition to be held in 2004.

## **COUNCIL MINUTES (Continued)**

The Chairman congratulated all those involved locally in the “Britain in Bloom” competition for their successes this year. In particular, he congratulated the Leisure & Amenities Department, Mr Dale Best, Councillor Cheryl Flanagan and Glendale Limited for their significant and valued contribution towards the successes.

### **375. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULES 7 (2)**

(A) From Councillor E B MacKay to the Leader of the Executive:-

“The financial summary in the Statement of Accounts 2002/2003 shows that within General Fund Net Service Expenditure Planning and Development Services *actual* expenditure was £800K [21%] lower than the original estimate, despite being under-resourced in Development Control.

In view of the significant benefit this underspend has provided, how does he justify allocating “additional income [Development/Building Control] £142800” to the General Fund [Briefing note to Audit and Resources 15/7/03] given that this sum is entirely attributable to the 14% increase in planning fees implemented by the Government with effect from 1 April 2002 “to raise approximately an extra £20m nationally for planning” [ODPM] because the “study, Planning Fees, published in December 2001, found that fees had fallen behind inflation since they had last been raised in 1997” [ODPM]?

In the light of the following paragraph in the ODPM's letter of 29/1/03:  
*“Ministers are, however, receiving anecdotal evidence that in many authorities the increase in fees has not led to a commensurate increase in planning resources and its additional revenues have been diverted into other local authority services. If this is true, it is damaging to the argument that local authorities need additional resources to undertake their planning functions at a time when they are under great pressure to deliver better planning services and to compete effectively in the recruitment market against the private planning sector”* will he accept accountability [as leader of the Executive in 2002/03] for 1) flouting the Government's intended application of the fee increase, 2) any adverse criticism from the Audit Commission (which is aware of the Council's actions), 3) any past and future constraints on this Council's ability to “improve planning performance” which is so closely linked to the scale of Planning Delivery Grants in 2004/05 and 2005/06, 4) the continued under-resourcing of Planning the full growth allocation of which (£114K) would have been self-financing had the fee increase not been diverted?”

Councillor R Crowther Leader of the Executive, replied:

“Councillor MacKay refers to £800K underspend on “Planning and Development”. It should be noted that of this only £200K relates to Development Control.

There is reference to the 14% increase being attributable to the full £142k transferred to the General Fund. The total budget of £568k is made up of the original amount £370k, 14% equating to £52k (14% of £370k), and the balance of £146k made up of extra income.

## **COUNCIL MINUTES (Continued)**

In reply to Councillor MacKay's question, I am happy to be held accountable for my role in the development of the 2003/4 budget, approved by Council in February 2003, in the process of which additional resources were allocated to Planning despite the considerable pressures. On the four specific issues I would make the following points.

**(1) Flouting the Government's intended application of the fee increase.**

The Development Control Fees are set by the Government. As stated in the question, the Government has recognised that they had not increased the fees since 1997 and that a 14% increase was required to recover the inflation over the intervening period. Hence, it could be argued that the General Fund has "subsidised" Development Control over the recent past and the new fees are just putting the situation right. Development Control has not been asked to reduce its budgets during this period to reflect the real loss of income (except as part of overall budget savings exercises).

**(2) Adverse criticism from the Audit Commission.**

I assume this relates to a perception of what future Audit Commission comments could be. It should be noted that Development Control was given £50k Additional Resources for staff for 2003/2004 onwards (this is a part year effect which will rise to £65k in 2004/2005). The pattern of income is under continual review (as in recent years, due to patterns in the housing market, planning applications have increased dramatically).

**(3) Past and future constraints on the council (in the context of Planning Delivery Grants)**

The Government has given Planning Authorities a minimum £75k grant for 2003/2004 - Council has agreed to this being used by Planning for additional staff. This is a three year programme that is based on performance. Development control performance for the period commencing October 2002 (the reference point for PDG) is showing an improvement over the preceding year.

**(4) The continued under-resourcing of Planning. (Reference to the partially successful bid of £114k)**

The current practice at WDC (which has been in operation since, at least, reorganisation in 1974) is that income is a "blocked head" - any surpluses or deficits are absorbed by the General Fund. There is nothing to stop a service manager asking for additional staff to be paid for out of increased income (as has happened in item 3 above)."

In a supplementary question, Councillor MacKay asked the Leader:-

"Will the Leader of the Executive accept that the 14% was awarded from April 2002; that the Development Control investment was needed then (that was the intention of the Government); will he accept that £142,800 which was used to prop up the Council's deficit, was in fact a correct reflection of the 14% as an outcome of the whole year and nothing to do with the budget at the beginning of the year; will he accept that in the first one he is referring to it could be argued that the General Fund has subsidised Development Control. I can only regard given the history of development control in the Council over recent years as a joke."

## **COUNCIL MINUTES (Continued)**

In reply, Councillor Crowther said:-

“I do not think the Councillor has introduced any further points and I think that my original answer covers all the points.”

### **376. THE EXECUTIVE**

It was moved by Councillor Crowther, and duly seconded that the reports of the Executive dated 21 July and 18 August 2003, be approved and adopted.

#### **(1) Housing Options (337)**

This minute was considered in conjunction with Minutes 250 (Stock Transfer - Financial Impact on Council), Minute 251 (Stock Transfer - Impact on Council) and Minute 252 (Stock Transfer - Stock Condition).

It was moved by Councillor Boad and duly seconded that Council Procedure Rules 11(4) and (5) be suspended for consideration of these items.

On this being put to the meeting, it was declared carried.

Councillor Ashford the presented a petition on behalf of the tenants of the properties in Marsham Close supporting option 1 (stock retention), and option 2 (arms-length housing association) as the next best alternative.

First Amendment                      It was moved by Councillor Mrs Begg and duly seconded that in Minute 337 recommendation 4 be deleted and the following inserted:-

“(4) representations be made to Government that the funding regime for local authority housing be brought into line with that of housing associations;

(5) to urgently arrange a meeting between the Group Leaders (or their substitutes) and the Portfolio Holder with the two local MPs to discuss future funding for the retained stock, and the provision of new affordable social housing in the District.”

On a vote being taken, the amendment was declared carried.

Second Amendment                      It was moved by Councillor MacKay and duly seconded that in Minute 337, recommendation (2) be deleted.

On a vote being taken, the amendment was declared lost.

#### **(2) The Corporate Strategy (338).**

Third Amendment                      It was moved by Councillor Mrs Begg and duly seconded that in Minute 338 under heading CO.3A(1) item A. (1) be amended to read

“To create a safer environment.”

On a vote being taken, the amendment was declared carried.

## **COUNCIL MINUTES (Continued)**

(3) Appointment to the West Midlands Regional Assembly (344).

Fourth Amendment                      It was moved by Councillor Cockburn and duly seconded that the recommendation set out in Minute 344 be amended to read:-

“That Councillor John Hammon be nominated to serve as the Council’s representative on the West Midlands Regional Assembly.”

On a vote being taken, the amendment was declared lost.

(4) Adoption of Report.

The original motion, as amended by the first and third amendment, was then put to the meeting and declared carried.

### **377. AUDIT AND RESOURCES SCRUTINY COMMITTEE**

It was moved by Councillor Caborn, duly seconded and

**RESOLVED** that the reports of the Audit and Resources Scrutiny Committee dated 15 July 2003 and of the Audit and Resources Overview and Scrutiny Committee dated 13 August 2003, be approved and adopted.

### **378. COMMUNITY SCRUTINY COMMITTEE AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE**

It was moved by Councillor Mrs Falp, duly seconded and

**RESOLVED** that the report of the Community Scrutiny Committee dated 15 July 2003 and the Social Overview and Scrutiny Committee dated 12 August 2003, be approved and adopted.

### **379. ENVIRONMENT SCRUTINY COMMITTEE**

It was moved by Councillor Mrs Compton, duly seconded and

**RESOLVED** that the report of the Environment Scrutiny Committee dated 15 July 2003 and the Environment Overview and Scrutiny Committee dated 12 August 2003, be approved and adopted subject to the deletion of the name of Councillor Copping as being present at the meeting on 12 August 2003.

### **380. MEMBERS/TRADE UNIONS JOINT CONSULTATION AND SAFETY PANEL**

It was moved by Councillor Holland, duly seconded and

## **COUNCIL MINUTES (Continued)**

**RESOLVED** that the report of the Members/Trade Unions Joint Consultation and Safety Panel dated 28 July 2003, be approved and adopted.

### **381. REGULATORY COMMITTEE**

It was moved by Councillor Mrs McFarland, duly seconded and

**RESOLVED** that the reports of the Regulatory Committee dated 30 July and 21 August 2003, be approved and adopted.

### **382. ECONOMIC OVERVIEW AND SCRUTINY COMMITTEE**

It was moved by Councillor Mrs Edwards, duly seconded and

**RESOLVED** that the report of the Economic Overview and Scrutiny Committee dated 12 August 2003, be approved and adopted.

### **383. PLANNING COMMITTEE**

It was moved by Councillor Evans, duly seconded and

**RESOLVED** that the reports of the Planning Committees dated 8 and 28 July and 19 August 2003, be approved and adopted.

### **384. NOTICES OF MOTION**

(A) It was moved by Councillor R C H Copping and duly seconded:-

“Each year c240 citizens in our Warwick District Council area die prematurely because of tobacco related diseases. Smoking is a key issue in the Health Divide, and results in health inequalities & reduced life expectancy.

I propose that:

- 1) smoking and the sale of tobacco related products be banned in all Council premises; and
- 2) that all stakeholders receiving grants and concessionary Council Tax relief be required to submit a smoking policy which, at least restricts smoking, and ideally moves towards a no smoking policy.

Warwick District Council is a key player in promoting a healthier local community and narrowing health inequalities between disadvantaged groups and the rest of the population. We need to be more proactive in encouraging smoking cessation as part of our health commitment to the Community Plan. We must also endeavour to prevent passive smoking - related diseases from affecting our employees, non-smokers, pregnant mothers, babies and children.”

**RESOLVED** that the motion stand referred to the Executive.

## COUNCIL MINUTES (Continued)

### 385. SECTION 92, LOCAL GOVERNMENT ACT 1972 - DECLARATIONS OF INTEREST

In addition to Members who already disclosed their interest in the appropriate Committee and Sub-Committee Minutes the following declared their interest in respect of the Minutes set out in columns (1) and (2) below and, when the Minutes were discussed by the Council, took no part in the discussion and did not vote.

(Those shown with \* indicate members who left the meeting whilst the matter was under discussion.)

<u>Minute</u>	<u>Subject</u>	<u>Person declaring interest</u>
324 and 354	BME Social Inclusion Project (SRB5)	Councillor Mrs McFarland (Personal and Prejudicial)
343	Southbank Cultural Quarter Proposals - Spencers Yard Leamington Spa	Councillor Davis (Personal) Councillor Evans (Personal)
	Agenda Item 7 - Notice of Motion	Councillor Cockburn (Personal)

### 386. COMMON SEAL

It was

**RESOLVED** that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 9.55 pm)

CHAIRMAN